

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtor in Foreign
Proceedings

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

THEODOOR GGC AMSTERDAM, et al.,

Defendants.

Chapter 15 Case

Case No. 10-13164 (CGM)

Jointly Administered

Adv. Pro. No. 10-03496 (CGM)

Administratively Consolidated

This Order applies to the adversary proceedings listed in Appendix A.

**ORDER EXTENDING DEFENDANTS'
TIME TO ANSWER, MOVE, OR OTHERWISE RESPOND TO
THE AMENDED COMPLAINTS**

IT IS HEREBY ORDERED in the above-captioned adversary proceedings:¹

1. The time for Defendants to answer, move, or otherwise respond with respect to the Amended Complaints filed in the above-captioned actions on August 11 and August 12, 2021, is extended to, and includes, the forthcoming dates to be set by the Court for making dispositive motions pursuant to Fed. R. Civ. P. 12(b)(2) and Fed. R. Civ. P. 12(b)(6).

¹ Pursuant to Local Bankruptcy Rule 9074-1, counsel for HSBC Bank USA, N.A., HSBC Private Bank (Suisse) S.A., and HSBC Securities Services (Luxembourg) S.A. (together, the “HSBC Defendants”) have shared this proposed order with attorneys for Plaintiffs and a group of more than 100 attorneys representing the Defendants in the above-captioned administratively consolidated proceedings. As of August 23, 2021 at 2:00 pm EST, Plaintiffs have consented in writing to the relief sought herein, and counsel for the HSBC Defendants can confirm that it is not aware of any such Defendant who has declined to consent to the relief sought herein.

2. The foregoing deadline is without prejudice to any future requests for extensions of time.

3. By entry of this Order, the parties do not waive, and instead expressly preserve any and all defenses, claims, and arguments they may have.

4. Nothing in this Order modifies Paragraphs I.F and III.C of the October 18, 2016 Supplemental Case Management Order [Dkt. 918] or otherwise revives, for any Defendant that previously failed to timely move, answer, or otherwise respond to the operative complaint, the ability to timely move, answer, or otherwise respond to the complaint.

Respectfully submitted,

Dated: August 25, 2021
New York, New York

/s/ David Elsberg

SELENDY & GAY, PLLC

David Elsberg
Andrew R. Dunlap
Lena Konanova
Ester Murdukhayeva
Jordan Garman
Ronald Krock
Evan Bianchi
1290 Avenue of the Americas
New York, NY 10104
Telephone: 212-390-9000
delsberg@selendygay.com
adunlap@selendygay.com
lkonanova@selendygay.com
emurdukhayeva@selendygay.com
jgarman@selendygay.com
rkrock@selendygay.com
ebianchi@selendygay.com

Dated: August 25, 2021
New York, New York

/s/ Elizabeth Vicens

CLEARY GOTTLIEB STEEN & HAMILTON LLP

Elizabeth Vicens
One Liberty Plaza
New York, NY 10006
T: 212-225-2000
F: 212-225-3999
evicens@cgsh.com

Attorneys for Caceis Bank Luxembourg

– and –

BROWN RUDNICK LLP

David J. Molton
Marek P. Krzyzowski
Seven Times Square
New York, NY 10036
Telephone: 212-209-4800
dmolton@brownrudnick.com
mkrzyzowski@brownrudnick.com

*Attorneys for Plaintiffs Foreign
Representatives*

Dated: August 25, 2021
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge